

REMARKS

Before addressing the Examiner's objections and rejections, it should be noted that claim 2 has been cancelled and its subject matter incorporated into independent claim 1. As such the objections and rejections relating to claim 2 will be addressed with regard to claim 1.

The Examiner has objected to the drawings under 37 CFR §1.83(a), indicating that the actuator recited in claim 2, which is now incorporated into claim 1, must be shown in the drawings, or otherwise cancelled from the claim. In response, the Applicant respectfully disagrees with the Examiner's analysis and submits that the actuator recited in claim 1 is shown in the drawings and identified as element 24. Specifically, the actuator 24 is shown as part of the latching mechanism in Figs. 1 and 5. As such, the Applicant respectfully requests that the objection to the drawings be withdrawn.

The Examiner has objected to claims 1 and 4-7, and rejected the claims under 35 U.S.C. § 112 on generally the same basis. After careful consideration, the Applicant responds as follows: The Applicant has amended claim 1 to change "comprising a means" to "comprising means," as suggested by the Examiner. With regard to the objection of claims 4-7, it is submitted that claims 4 and 5 are dependent from claim 1 and claims 6 and 7 are now dependent on claim 3 (which is dependent on claim 1). As such, claim 1 has been amended to recite the actuator, thus the actuator recited in claims 4 and 5 has proper antecedent basis. In addition, claims 4 and 5 and claims 6 and 7 are not duplicates claims, as claims 4 and 5 depend directly from claim 1, while claims 6 and 7 now depend from claim 3 (which is dependent on claim 1) which includes the limitation that the actuator is a piezo electric actuator. As such, the Applicant respectfully requests that the rejection of the claims under 35 U.S.C. § 112 be withdrawn.

With respect to the objection and rejection of claim 1 regarding the recitation "by movement in a direction transverse," the Applicant disagrees with the Examiner's indication that claim 1 should refer to a direction *opposite* to the first direction. As indicated by the Examiner, claim 1 recites moving the blocking means in a direction that is transverse to the first direction. Referring to Fig. 1 of the present application, the first direction is the direction that is into the plane of the paper. Therefore, it is clear that the blocking means 15, and not the locking member 12 identified by the

Examiner, is what moves to the left in the direction identified as "A" that is transverse (at a right angle) to the first direction. As such, the Applicant respectfully requests that the Examiner withdraw the objection and rejection made with regard to claim 1.

The Examiner has rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Williams et al. (US 5,681,070), hereinafter Williams. However, since the recitations of claim 2 have now been put into claim 1, that rejection is moot, but the rejection of claim 2 under 35 U.S.C. §103 based on Williams is relevant for discussion. In addition to incorporating claim 2 into claim 1, the recitation of the index member has been expanded, such that claim 1 now recites that the index member 21 can be manually switched by a user so that the latching mechanism can be set to the normally locked default position (i.e. activation of the electrical actuator causes the lock to be opened) or the normally unlocked position (i.e. activation of the electrical actuator causes the lock to be closed). Such features recited in claim 1 are discussed in the specification at least at page 4, lines 2-6 and at page 5 lines 8-17, whereby the possibility of initially setting the lock in different default positions is described. In addition, the last paragraph of page 5 of the specification explicitly states that the default position of the member 21 may be set by the user of the mechanism. In contrast, Williams does not disclose an index member that is manually moveable by a user so as to set the desired default locking condition. Thus, because each and every limitation of claim 1 is not taught or suggested by Williams, the Applicant respectfully requests that the rejection of such claim be withdrawn.

As a further point distinction, Williams refers to a motor retracted strike that is not relevant to the operation to the invention recited in the claims. In particular, the strike disclosed by Williams is utilizing a motor as the resisting means on lever arm 80, whereas the device set forth in claims is inserting a locking block perpendicular to the direction of travel. As such, a person of ordinary skill in the art would not look to modify Williams to produce the claimed invention. As such, the Applicant respectfully requests that the rejection of claims 1 and 3-5 be withdrawn.

Thus, in view of the foregoing, it is the Applicant's position that claims 1 and 3-7 are in condition for allowance. Reconsideration by the Examiner and the issuance of a formal Notice of Allowance is most earnestly solicited.

If any further issues remain after this amendment, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

Edward G Greive

Edward G. Greive, Reg. No. 24,726
Renner, Kenner, Greive, Bobak, Taylor & Weber
Fourth Floor, First National Tower
Akron, Ohio 44308-1456
Telephone: (330) 376-1242

Attorney for Applicant
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